



FOR IMMEDIATE RELEASE
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ARIZONA MAN INDICTED FOR SELLING COUNTERFEIT SOFTWARE ON EBAY

PHOENIX- A federal grand jury returned a 7-count indictment on Wednesday, January 13, 2009, against Kurt Kunselman, 44, of Waddell, Ariz., for violations of wire fraud, criminal copyright infringement and destruction of records with intent to obstruct a federal investigation. Kunselman was issued a summons and is set to appear before U.S. Magistrate Judge Lawrence O. Anderson at 10:45 a.m. on January 28, 2009.

The indictment alleges that between March 2005 and April 2007, Kunselman produced unauthorized and counterfeited copies of legitimate copyrighted software and fraudulently sold and distributed this counterfeited software through eBay. The copyrights on the software he illegally copied and sold are legally held by CBT Nuggets, an Oregon corporation. Additionally, the indictment alleges that Kunselman destroyed a computer file at his work place in an effort to impede the federal investigation.

A conviction for wire fraud carries a maximum penalty of 20 years in federal prison, a \$250,000 fine or both. A conviction for destruction of records with intent to obstruct a federal investigation carries a maximum penalty of 20 years, a \$250,000 fine or both. A conviction for criminal copyright infringement carries a maximum penalty of five years, a \$250,000 fine or both. In determining an actual sentence, the assigned U.S. District Judge will consult the U.S. Sentencing Guidelines, which provide appropriate sentencing ranges. The judge, however, is not bound by those guidelines in determining a sentence.

An indictment is simply the method by which a person is charged with criminal activity and raises no inference of guilt. An individual is presumed innocent until competent evidence is presented to a jury that establishes guilt beyond a reasonable doubt.

The investigation preceding the indictment was conducted by the Federal Bureau of Investigation. The prosecution is being handled by Rachel C. Hernandez, Assistant U.S. Attorney, District of Arizona, Phoenix.

CASE NUMBER: CR-09-0061-EHC
RELEASE NUMBER: 2009-015(Kunselman)

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